

REMARKS

Initially, Applicants would like to thank the Examiner for withdrawing the finality of the previous Final Official Action dated April 4, 2006. Applicants would also like to thank the Examiner for indicating the allowability of the subject matter recited in claims 8-14. Finally, Applicants would like to thank the Examiner for withdrawing the previous rejection of claims 5-6 and 8 under 35 U.S.C. §112, second paragraph.

In the outstanding Final Official Action, claims 2-7, 15-18 and 21-23 were rejected under 35 U.S.C. §102(b) over TAKAHASHI et al. (U.S. Patent No. 3,643,653). The above-noted rejection is traversed.

In this regard, each of claims 2 and 4 recite "a position of said first optical system is fixed in relation to a position of said second optical system within a single inserting tube". The Final Official Action asserts, at page 5, that Figure 1 of TAKAHASHI discloses "the first 6 and second 15 optical systems fixed within tubes 4 and 14, respectively, are fixed in the tip end of inserting tube 5". However, Figure 1 of TAKAHASHI does not show the objective lens 6 or the objective lens system 15 of TAKAHASHI whatsoever, and certainly does not disclose that "first 6 and second 15 optical systems... are fixed in the tip end of inserting tube 5" (emphasis added) as asserted in the Final Official Action.

While "an objective lens 6 is provided in the forward end portion [of the elongated tube 4] as shown in FIG. 6" of TAKAHASHI (see col. 3, lines 15-16), and "an objective lens system 15 is located in the forward end portion [of the elongated flexible tube 14]" of TAKAHASHI (see col. 3, lines 64-68), Figures 1, 2 and 5 of TAKAHASHI explicitly show the elongated tube 4 and the elongated flexible tube 14 as entirely separate

systems. Further, the elongated flexible tube 14 of the minor endoscope in TAKAHASHI is slidably movable in the channel 11 which extends through the elongated tube 4 of the major endoscope (see col. 3, lines 53-58 and col. 4, lines 16-19). However, as can be seen in Figure 1 of TAKAHASHI, the tip end of elongated flexible tube 14 is not coincident with the tip end of the elongated tube 4. Accordingly, the objective lens 6 and the objective lens system 15 in TAKAHASHI are not located in the same "tip end of the inserting tube 5" as asserted in the Final Official Action.

Also with respect to the features recited in claims 2 and 4, the objective lens 6 in TAKAHASHI is not "fixed in relation" to the objective lens system 15. The Final Official Action defines the term "fixed" as --to place securely: to make stable or firm--. The definition of the term "fixed" in the Final Official Action is overly broad in the context of the feature of claims 2 and 4, each of which recite that "a position of said first optical system is fixed in relation to a position of said second optical system". In this regard, the above-noted definition of the term "fixed" in the Final Official Action provides a meaning in isolation of the context in which the term "fixed" is recited in claims 2 and 4. The proper context of the term as recited in claims 2 and 4 would require consideration of the phrase "fixed in relation". Thus, even using the definition set forth in the Final Official Action, the "position of said first optical system" in claims 2 and 4 is [stable or firm] "in relation to a position of said second optical system" (emphasis added).

TAKAHASHI does not disclose that a "position of said first optical system" is [stable or firm] "in relation to a position of said second optical system" (emphasis added). Rather, in TAKAHASHI, the second optical system 15 is arranged in the end of an elongated flexible tube 14 that is different from the elongated tube 4 in which a first

optical system 6 is arranged. The major endoscope has an elongated guide channel 11 which extends through the elongated tube 4 (see Fig. 6 and col. 3, Lines 52-58), and the minor endoscope can be inserted into the guide channel 11 of the major endoscope (see col. 4, Lines 17-28) such that the minor endoscope is slidably movable in the channel 11 and not secured in the tube 4. Accordingly, a position of the objective lens 6 is not fixed in relation to a position of the objective lens system 15.

Accordingly, claims 2 and 4 are allowable over TAKAHASHI, at least because TAKAHASHI does not disclose or suggest "each and every" feature of these claims as would be required for the rejection of claims 2 and 4 under 35 U.S.C. §102 to be proper. In addition, each of claims 3, 5-7, 16-18 and 21-23 is allowable over TAKAHASHI at least for depending, directly or indirectly, from an allowable independent claim, as well as for additional reasons related to their own recitations. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims under 35 U.S.C. § 102(b) over TAKAHASHI.

SUMMARY AND CONCLUSION

Applicants have made a sincere effort to place the present application into condition for allowance, and believe that they have now done so. Applicants have discussed the disclosure of the document relied upon in the outstanding Final Official Action and have pointed out specific features of the claims not disclosed by the document. Accordingly, a clear evidentiary basis supporting the patentability of all the claims pending in the present application has been provided, and an indication to such effect is respectfully requested, in due course.

Should there be any questions regarding this paper or the present application, the Examiner is respectfully requested to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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